

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

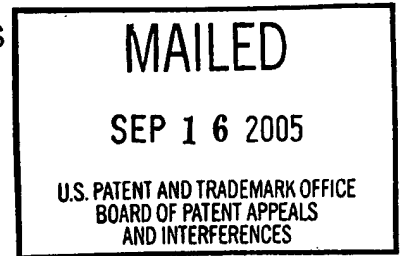
Ex parte WOLFGANG SCHNEIDER,
HANS-PETER KRUG AND
NICK TOWSEY

Application No. 09/986,446

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 21, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the file indicates that on February 14, 2005, appellants filed an Appeal Brief under the rules set forth in 37 CFR §1.192(c). However, the rules under 37 CFR §1.192 (c) were abolished on September 13, 2004, and replaced by 37 CFR



§ 41.37(c). A review of the application reveals that the following sections are missing from the Appeal Brief:

(1) "Summary of the claimed subject matter" as set forth in 37 CFR

§ 41.37(c)(1)(v);

(2) "Grounds of rejection to be reviewed on appeal" as set forth in 37 CFR

§ 41.37(c)(1)(vi) (replaces "Issues for Review" and "Grouping of Claims");

(3) "Argument" as set forth in CFR § 41.37 (c)(1)(vii);

(4) "Claims appendix" as set forth in CFR § 41.37(c)(1)(viii) (replaced "Appendix";

(5) "Evidence appendix, as set forth in 37 CFR § 41.37(c)(1)(ix); and

(6) "Related proceedings appendix" as set forth in 37 CFR § 41.37 (c)(1)(x).

Additionally, the Examiner's Answer is found to be non-compliant with the New Rules set forth 37 CFR § 41.37 effective September 13, 2004. The application reveals that the following sections are missing from the Examiner's Answer in the order and with the context stated by the Rules:

(1) Summary of the claimed subject matter;

(2) Grounds of rejection to be reviewed on appeal;

(3) Evidence Relied Upon;

(4) Evidence Appendix; and

(5) Related Proceedings Appendix.

Accordingly, the Examiner's Answer filed on March 9, 2005 does not correspond with the new rules under 37 CFR § 41.37. It is required that a new Examiner's Answer be provided in compliance with the new rules. For more information on the Board's new

rules, please see the web page entitled "More Information on the Rules of Practice Before the BPAI," Final Rule at:

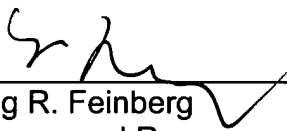
<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- have the appellants submit a new Appeal Brief in compliance with the new rules set forth in 37 CFR § 41.37 (c) ;
- submit a new examiner's answer in accordance with the new rules effective September 13, 2004; and
- for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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